

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDREW KENNEDY,

Petitioner

V.

JOHN A. ROWLEY, *et al.*,

Respondents

.....

CIVIL NO. 1:CV-16-2347

(Judge Caldwell)

ORDER

AND NOW, this 1st day of February, 2017, upon consideration of Kennedy's
Petition for Writ of Habeas Corpus (ECF No. 1), it is ORDERED that:

1. Petitioner's § 2241 Petition (ECF No. 1) is GRANTED IN PART as to his request for an individualized bond hearing before an Immigration Judge.
2. Petitioner's § 2241 Petition (ECF No. 1) is DENIED IN PART as to his request for immediate release.
3. The Immigration Judge shall afford Petitioner an individualized bond hearing within TWENTY-ONE (21) DAYS of the date of this Order. At Petitioner's hearing, the Immigration Judge shall make an individualized inquiry into whether detention is still necessary for the purposes of ensuring the Petitioner's attendance at removal proceedings and that his release will not pose a danger to the community. *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 475 (3d Cir. 2015).
4. The Government bears the burden of presenting evidence at this hearing and proving that Petitioner's continued detention is necessary to fulfill the purposes of the detention statute. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011).

5. The parties shall report to the Court on the outcome of the individualized bail determination NO LATER THAN THREE (3) DAYS after the Immigration Judge's hearing.

6. The Court shall retain jurisdiction in this matter for the purpose of ensuring Petitioner receives the individualized bond hearing to which he is entitled pursuant to *Chavez-Alvarez* and this Order.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge